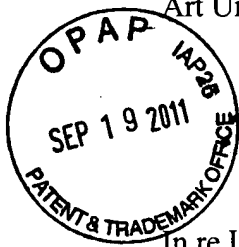


Serial No.: 10/030,798

Art Unit: 2618



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re U.S. Patent Application of:

APPLICANT: Salonaho, et al.

SERIAL NO.: 10/030,798 FILING DATE: May 09, 2002

EXAMINER: Dean, Raymond S. ART UNIT: 2618

ATTORNEY'S DOCKET NO.: 019B.0024.U1(US)

CONFIRMATION NO.: 5614

TITLE: A METHOD OF SELECTING A NEW CELL

MAIL STOP APPEAL BRIEFS--PATENTS
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

BRIEF OF THE APPELLANTS

(37 CFR 1.192)

Sir:

This is an Appeal Brief from a Final Office Action of March 11, 2010, in response to which a Notice of Appeal with a Pre-appeal Brief Request for Review was submitted to the USPTO on June 9, 2011. The Panel Decision is issued on August 16, 2011.

This Appeal Brief is filed within one month from the mailing date of Pre-appeal Panel Decision. As such, Applicant believes that no petition for an extension of time is needed. However, should Applicant be mistaken, please consider this paper as a petition for a suitable extension of time. Applicant believes that a Filing a Brief in support of appeal fee in the amount of \$ 540 to be due. Please charge deposit account no.: 50-1924 for this and any other requisite fee.

For all of the reasons discussed below, it is the belief of the undersigned that the claims of the application do distinguish the invention from the art relied on by the Examiner.

09/20/2011 SZEWDIE1 00000031 501924 10030798

Table of Contents

I. THE REAL PARTY IN INTEREST	3
II. RELATED APPEALS AND INTERFERENCES	4
III. STATUS OF CLAIMS.....	5
IV. STATUS OF AMENDMENTS.....	6
V. SUMMARY OF CLAIMED SUBJECT MATTER	7
VI. GROUNDS FOR REJECTION TO BE REVIEWED ON APPEAL.....	12
VII. GROUPING OF THE CLAIMS.....	13
VIII. ARGUMENT	14
A. CLAIMS 1, 22, 29 AND 176-178 ARE NOT OBVIOUS UNDER 35 USC SECTION 103(A).....	14
B. CLAIM 163 IS NOT OBVIOUS UNDER 35 USC SECTION 103(A).....	23
C. CLAIMS 2, 12 AND 54 ARE NOT OBVIOUS UNDER 35 USC SECTION 103(A)	24
D. CLAIMS 7, 33 AND 34 ARE NOT OBVIOUS UNDER 35 USC SECTION 103(A)	25
E. CLAIM 9 IS NOT OBVIOUS UNDER 35 USC SECTION 103(A).....	27
F. CLAIM 13 IS NOT OBVIOUS UNDER 35 USC SECTION 103(A)	28
G. CLAIM 164 IS ARE NOT OBVIOUS UNDER 35 USC SECTION 103(A).....	29
H. CLAIMS 36-27 ARE NOT OBVIOUS UNDER 35 USC SECTION 103(A)	30
IX. CONCLUSION	30
X. APPENDIX--THE CLAIMS INVOLVED IN THE APPEAL.....	31
XI. APPENDIX--EVIDENCE.....	41
XII. APPENDIX--RELATED POCEEDINGS.....	41

Serial No.: 10/030,798

Art Unit: 2618

I. THE REAL PARTY IN INTEREST

The real party in interest is Nokia Corporation of Espoo, Finland.

Serial No.: 10/030,798

Art Unit: 2618

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals and interferences which are currently under consideration. Pre-appeal Brief Request for Review was submitted to the USPTO on June 9, 2011 for which the Panel Decision is issued on August 16, 2011.

Serial No.: 10/030,798

Art Unit: 2618

III. STATUS OF CLAIMS

Per the Final Office Action (FOA) mailed on March 11, 2011, claims 1-3, 5-9, 12-29, 31-34, 36-37, 54, 64, 76, 89, 102, 117, 133, 150, 163, 164, 173, and 175-178 were rejected under 35 U.S.C. 103(a).

Serial No.: 10/030,798

Art Unit: 2618

IV. STATUS OF AMENDMENTS

Current claims 1-3, 5-9, 12-29, 31-34, 36-37, 54, 64, 76, 89, 102, 117, 133, 150, 163, 164, 173, and 175-178 under appeal were amended last in the Response to Office Action submitted to the USPTO on August 25, 2010. No amendments to any claim has been submitted or entered subsequent to the Final Office Action.

V. SUMMARY OF CLAIMED SUBJECT MATTER

According to a first aspect of the invention recited in claim 1, a method comprising: measuring at a station a strength of a communication from a current cell (e.g., see line A in Figures 2-4, second sentence of the last paragraph on page 5 of the originally filed patent application, WO 01/05182); measuring at the station the strength of a communication from at least one other cell (e.g., see line B in Figures 2-4, third sentence of the last paragraph on page 5 of the originally filed patent application, WO 01/05182); modifying a result of measuring in which the strength of the communication from the at least one other cell and/or the current cell is measured to take into account a condition of said current and/or said at least one other cell if the measured strength of the communication from the at least one other cell satisfies a predetermined condition (e.g., see dotted line in Figure 3, page 5 line 18 through page 6 line 17, and a last paragraph on page 7 through page 8 line 4 of the originally filed patent application WO 01/05182); if modifying is performed, comparing the measured strength of the communication from the current cell and the measured strength of the communication from the at least one other cell being modified in the modifying (e.g., see comparing lines A and D in Figure 3 and at least 4th paragraph on page 7 of the originally filed patent application WO 01/05182); and depending on results from the comparison, changing the current cell with which the station is associated (e.g., see comparing lines A and D in Figure 3, 4th paragraph on page 7, page 8 line 5 through page 10 line 11 of the originally filed patent application WO 01/05182), wherein said predetermined condition is that the strength of the communication from at least one other cell is greater than a threshold (e.g., see last four lines on page 5 of the originally filed patent application WO 01/05182).

According to a second aspect of the invention recited in claim 22, a station comprising: a measurer for measuring a received strength of a communication from a current cell (e.g., see line A in Figures 2-4, second sentence of the last paragraph on page 5 of the originally filed patent application, WO 01/05182); a measurer for measuring the received strength of a communication from at least one other cell (e.g., see line B in Figures 2-4, third sentence of the last paragraph on page 5 of the originally filed patent application, WO 01/05182); a controller for modifying the measured received strength of the communication from the at least one other cell to take into

account a condition of said current and/or said at least one other cell if the measured strength of the communication from the at least one other cell satisfies a predetermined condition (e.g., see dotted line in Figure 3, page 5 line 18 through page 6 line 17, and a last paragraph on page 7 through page 8 line 4 of the originally filed patent application WO 01/05182); the controller for comparing, if the controller has modified the measured received strength, the modified measured received strength with the measured received strength of a communication from the current cell (e.g., see comparing lines A and D in Figure 3 and at least 4th paragraph on page 7 of the originally filed patent application WO 01/05182); and the controller for causing, depending on results of the comparison, the current cell with which the station is associated to be changed (e.g., see 4th paragraph on page 7, page 8 line 5 through page 10 line 11 of the originally filed patent application WO 01/05182), wherein said predetermined condition is that the strength of the communication from at least one other cell is greater than a threshold (e.g., see last four lines on page 5 of the originally filed patent application WO 01/05182).

According to a third aspect of the invention recited in claim 29, a station comprising: measuring at a station a strength of a communication from an at least one current cell (e.g., see line A in Figures 2-4, second sentence of the last paragraph on page 5 of the originally filed patent application, WO 01/05182); measuring at the station the strength of a communication from at least one other cell (e.g., see line B in Figures 2-4, third sentence of the last paragraph on page 5 of the originally filed patent application, WO 01/05182); modifying the measured received strength of the communication from the current cell from at least one other cell to take into account a condition of said current and/or said at least one other cell if the measured strength of the communication from the at least one other cell satisfies a predetermined condition (e.g., see dotted line in Figure 3, page 5 line 18 through page 6 line 17, and a last paragraph on page 7 through page 8 line 4 of the originally filed patent application WO 01/05182); comparing, if the controller has modified the measured received strength, the measured strength of the communication from the at least one current cell and the measured strength of a communication from the at least one other cell, at least one of the measured strengths being modified in the modifying (e.g., see comparing lines A and D in Figure 3 and at least 4th paragraph on page 7 of the originally filed patent application WO 01/05182); and depending on results of the comparison, changing the at least one current cell with which the

station is associated (e.g., see 4th paragraph on page 7, page 8 line 5 through page 10 line 11 of the originally filed patent application WO 01/05182).

According to a fourth aspect of the invention recited in claim 163, a cellular telecommunications system comprising: a measurer for measuring a received strength of a communication from a current cell (e.g., see line A in Figures 2-4, second sentence of the last paragraph on page 5 of the originally filed patent application, WO 01/05182); a measurer for measuring the received strength of a communication from at least one other cell (e.g., see line B in Figures 2-4, third sentence of the last paragraph on page 5 of the originally filed patent application, WO 01/05182); a controller for modifying the measured received strength of the communication from the at least one other cell to take into account a condition of said current and/or said at least one other cell if the measured strength of the communication from the at least one other cell satisfies a predetermined condition (e.g., see dotted line in Figure 3, page 5 line 18 through page 6 line 17, and a last paragraph on page 7 through page 8 line 4 of the originally filed patent application WO 01/05182); the controller for comparing, if the controller has modified the measured received strength, the modified measured received strength with the measured received strength of a communication from the current cell (e.g., see comparing lines A and D in Figure 3 and at least 4th paragraph on page 7 of the originally filed patent application WO 01/05182); the controller for causing, depending on results of the comparison, the current cell with which a station is associated to be changed (e.g., see 4th paragraph on page 7, page 8 line 5 through page 10 line 11 of the originally filed patent application WO 01/05182), wherein said predetermined condition is that the strength of the communication from at least one other cell is greater than a threshold (e.g., see last four lines on page 5 of the originally filed patent application WO 01/05182); and a network element for sending communications to the station, said network element being arranged to send offset information to the station (e.g., see a second sentence in the last paragraph on page 7 of the originally filed patent application WO 01/05182), the offset information being used by the station to modify measurements of the strength of communications from at least one other cell (e.g., see dotted line in Figure 3, page 5 line 18 through page 6 line 17, and a last paragraph on page 7 through page 8 line 4 of the originally filed patent application WO 01/05182).

According to a fifth aspect of the invention recited in claim 176, a method comprising:

measuring at a station a strength of a communication from a current cell (e.g., see line A in Figures 2-4, second sentence of the last paragraph on page 5 of the originally filed patent application, WO 01/05182); measuring at the station the strength of a communication from at least one other cell (e.g., see line B in Figures 2-4, third sentence of the last paragraph on page 5 of the originally filed patent application, WO 01/05182); modifying a result of measuring in which the strength of the communication from at least one other cell and/or the current cell is measured to take into account a condition of said current and/or said at least one other cell if the measured strength of the communication from the at least one other cell satisfies a predetermined condition (e.g., see dotted line in Figure 3, page 5 line 18 through page 6 line 17, and a last paragraph on page 7 through page 8 line 4 of the originally filed patent application WO 01/05182); if modifying is performed, comparing the measured strength of the communication from the current cell and the measured strength of the communication from the at least one other cell being modified in the modifying (e.g., see comparing lines A and D in Figure 3 and at least 4th paragraph on page 7 of the originally filed patent application WO 01/05182); and depending of results of said comparing, changing the current cell with which the station is associated (e.g., see 4th paragraph on page 7, page 8 line 5 through page 10 line 11 of the originally filed patent application WO 01/05182), wherein said predetermined condition is that the strength of the communication from at least one other cell is greater than a threshold (e.g., see last four lines on page 5 of the originally filed patent application WO 01/05182).

According to a sixth aspect of the invention recited in claim 177, a station comprising:
a measurer for measuring a received strength of a communication from a current cell (e.g., see line A in Figures 2-4, second sentence of the last paragraph on page 5 of the originally filed patent application, WO 01/05182); a measurer for measuring the received strength of a communication from at least one other cell (e.g., see line B in Figures 2-4, third sentence of the last paragraph on page 5 of the originally filed patent application, WO 01/05182); a controller for modifying the measured received strength of the communication from the at least one other cell to take into account a condition of said current and/or said at least one other cell if the measured strength of the communication from the at least one other cell satisfies a predetermined condition (e.g., see dotted line in Figure 3, page 5 line 18 through page 6 line 17, and a last paragraph on page 7 through page 8 line 4 of the originally filed patent application WO 01/05182); the

controller for comparing, if the controller has modified the measured received strength, the modified measured received strength with the measured received strength of a communication from the current cell (e.g., see comparing lines A and D in Figure 3 and at least 4th paragraph on page 7 of the originally filed patent application WO 01/05182); and the controller for causing, depending of the results of the comparison, the current cell with which the station is associated to be changed (e.g., see 4th paragraph on page 7, page 8 line 5 through page 10 line 11 of the originally filed patent application WO 01/05182), wherein said predetermined condition is that the strength of the communication from at least one other cell is greater than a threshold (e.g., see last four lines on page 5 of the originally filed patent application WO 01/05182).

According to a seventh aspect of the invention recited in claim 178, a method comprising: measuring at a station a strength of a communication from a current cell (e.g., see line A in Figures 2-4, second sentence of the last paragraph on page 5 of the originally filed patent application, WO 01/05182); measuring at the station the strength of a communication from at least one other cell (e.g., see line B in Figures 2-4, third sentence of the last paragraph on page 5 of the originally filed patent application, WO 01/05182); modifying a result of measuring in which the strength of the communication from at least one other cell and/or the current cell is measured to take into account a condition of said current and/or said at least one other cell if the measured strength of the communication from the at least one other cell satisfies a predetermined condition (e.g., see dotted line in Figure 3, page 5 line 18 through page 6 line 17, and a last paragraph on page 7 through page 8 line 4 of the originally filed patent application WO 01/05182); if modifying is performed, comparing the measured strength of the communication from the current cell and the measured strength of the communication from the at least one other cell being modified in the modifying (e.g., see comparing lines A and D in Figure 3 and at least 4th paragraph on page 7 of the originally filed patent application WO 01/05182); and depending of the results of said comparing, changing the current cell with which the station is associated e.g., see 4th paragraph on page 7, page 8 line 5 through page 10 line 11 of the originally filed patent application WO 01/05182), wherein said predetermined condition is that the strength of the communication from at least one other cell is greater than a threshold (e.g., see last four lines on page 5 of the originally filed patent application WO 01/05182).

VI. GROUNDS FOR REJECTION TO BE REVIEWED ON APPEAL

The following issues will be addressed in the arguments:

- i) whether Charbonnier, U.S. Patent No. 5,241,686 in view of Periyalwar, U.S. Patent No. 6,018,662, and further in view of Sundelin, U.S. Patent No. 6,144,861 renders the invention recited at claims 1-3, 7-9, 12-22, 29, 33, 34, 54, 64, 76, 89, 102, 117, 133, 150, 163, 164, 173, and 175-178 obvious under 35 U.S.C. 103(a);
- ii) whether Charbonnier, U.S. Patent No. 5,241,686, in view of Periyalwar, U.S. Patent No. 6,018,662, and Sundelin, U.S. Patent No. 6,144,861, as applied to claim 1 above, and further in view of Karlsson, U.S. Patent No. 5,640,677 renders the invention recited at claims claims 5, 6, 23, 24, 31, 32, and 36-37 obvious under 35 U.S.C. 103(a).

VII. GROUPING OF THE CLAIMS

Independent claims 1, 29, 22, 176-178 stand or fall together.

Independent claim 163 stands alone.

Dependent claims 2, 12 and 54 stand or fall together.

Dependent claims 7, 33 and 34 stand or fall together.

Dependent claim 9 stands alone.

Dependent claim 13 stands alone.

Dependent claim 164 stands alone.

Dependent claims 37 and 36 stand or fall together.

VIII. ARGUMENT

A. CLAIMS 1, 29, 22, 176-178 ARE NOT OBVIOUS UNDER 35 USC SECTION 103(a)

In the Final Office Action of March 11, 2011, claims 1, 29, 22, 176-178 were rejected as being unpatentable under 35 U.S.C. 103(a) over Charbonnier, U.S. Patent No. 5,241,686, in view of Periyalwar, U.S. Patent No. 6,018,662, and further in view of Sundelin, U.S. Patent No. 6,144,861.

In reference to claims 1 and 29, the Examiner stated on pages 5-7 of the FOA of March 11, 2011 as follows:

Regarding Claims 1, 29, Charbonnier teaches a method for selecting a new cell for a station in a cellular telecommunication system, said station being associated with a current cell, said method comprising the steps of: measuring at the station the strength of a communication from said current cell (Column 8 lines 19 - 22, Column 8 lines 41 - 57, Esubi is the strength of the communication); measuring at the station the strength of a communication from at least one other cell (Column 8 lines 41 -57);

Charbonnier does not teach modifying a result of measuring in which the strength of the communication from the at least one other cell and/or the current cell is measured to take into account a condition of said current and/or said at least one other cell if the measured strength of the communication from the at least one other cell satisfies a predetermined condition; if modifying is performed, comparing the measured strength of the communication from the current cell and the measured strength of the communication from the at least one other cell being modified in the modifying; depending on the results from the comparison, changing the current cell with which the station is associated, wherein said predetermined condition is that the strength of the communication from at least one other cell is greater than a threshold.

Periyalwar, which teaches handoff, teaches the feature of measuring the strength of the communication from at least one other cell to take into account a condition of said at least one other cell if the measured strength of the communication from the at least one other cell satisfies a predetermined condition, wherein said predetermined condition is that the strength of the communication from at least one other cell is greater than a threshold (Cols. 4 lines 23 - 65, 5 lines 1 - 21, at least one other cell whose pilot strength exceeds a threshold will be added to the active set and thus taken into account).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Charbonnier with the above features of Periyalwar for the purpose of providing a soft handoff method that optimizes bandwidth and processing usage as taught by Periyalwar.

Sundelin, which also teaches soft handoff, teaches the modifying the signal strength of the communication from at least one other cell when the strength of the communication from the at least one other cell is greater than a

threshold (Abstract, the signal strength of the cells in the active set are modified via the power control, said power control of the signals of the cells in the active set can only occur after said cells have been placed in the active set, which means that said modifying occurs after the pilot strength of the at least one other cell exceeds a threshold), if modifying is performed, comparing the measured strength of the communication from the current cell and the measured strength of the communication from the at least one other cell being modified in the modifying (Abstract, the comparison of the measured strength of the communication from the current cell and the measured strength of the communication from the at least one other cell can only occur after the cells have been placed in the active set, since the modifying occurs after said cells have been placed in the active set a scenario is rendered that comprises said comparison occurring if said modifying is performed); and depending on the results from the comparison, changing the current cell which the station is associated (Abstract, in soft handoff there will be a periodic comparison between current or serving cell and the other cell(s) in the active set in order to determine which cell has the better signal strength, when a cell in the active set other than the current cell proves to have a better signal strength the connection with the current/serving cell will be released and the call will be continued only through the new cell thus completing the handoff).

Claims 1 and 29 of the present patent application recites as follows:

1. A method comprising:
 - measuring at a station a strength of a communication from a current cell;
 - measuring at the station the strength of a communication from at least one other cell;
 - modifying a result of measuring in which the strength of the communication from the at least one other cell and/or the current cell is measured to take into account a condition of said current and/or said at least one other cell if the measured strength of the communication from the at least one other cell satisfies a predetermined condition;
 - if modifying is performed, comparing the measured strength of the communication from the current cell and the measured strength of the communication from the at least one other cell being modified in the modifying;
 - and
 - depending on results from the comparison, changing the current cell with which the station is associated, wherein said predetermined condition is that the strength of the communication from at least one other cell is greater than a threshold.

29. A method comprising:

measuring at a station a strength of a communication from an at least one current cell;
measuring at the station the strength of a communication from at least one other cell;
modifying the measured received strength of the communication from the current cell from at least one other cell to take into account a condition of said current and/or said at least one other cell if the measured strength of the communication from the at least one other cell satisfies a predetermined condition;
comparing, if the controller has modified the measured received strength, the measured strength of the communication from the at least one current cell and the measured strength of a communication from the at least one other cell, at least one of the measured strengths being modified in the modifying; and
depending on results of the comparison, changing the at least one current cell with which the station is associated.

The Examiner's arguments in the Final Office Action of March 11, 2011 are inaccurate as detailed below.

The Examiner acknowledged (see 2nd paragraph in the above quote from pages 5-7 of the FOA of March 11, 2011) that “Charbonnier does not teach modifying a result of measuring in which the strength of the communication from the at least one other cell and/or the current cell is measured to take into account a condition of said current and/or said at least one other cell if the measured strength of the communication from the at least one other cell satisfies a predetermined condition “. In other words, the Examiner admitted that Charbonnier does not teach last three steps of claim 1 of the present patent application. The Applicant agrees with this Examiner’s assessment of Charbonnier’s shortfall which was discussed at length in previous responses, e.g., in the Response to the Office Action received by the USPTO on December 20, 2010 on pages 11-13. Indeed, an advantage in Applicant’s exemplary embodiments, as recited in claims 1 and 29 of the invention, is that the modifying procedure, i.e., the correction procedure, does not have to be carried out all the time and is only carried out when a predetermined condition is met (e.g., if a neighboring station signal exceeds a threshold). There is no disclosure or suggestion by Charbonnier of this aspect and there is no suggestion by Charbonnier as to why one of ordinary skill in the art would be motivated to change it in that respect.

As far as Periyalwar is concerned, this reference teaches that on the basis of signal strength measurements, the mobile unit maintains a list of, e.g., active sets/candidate sets with reference to base stations. However, the criteria for determining which base station to use is simply whether the *"pilot strength measurements... determines that the pilot is sufficiently strong"*, see column 5, lines 4 to 6 of Periyalwar. For the purpose of selection there is **no modification** in Periyalwar and the Examiner does not contend that it does, at least not in the Response to Arguments in the FOA of March 11, 2011. Since Periyalwar does not disclose the modification step recited in claims 1 and 29, it does not disclose the two subsequent steps (comparing and changing) which are performed using the results of the modification step.

Indeed, in Periyalwar (see column 4, lines 23-65, column 5, lines 1-25), it is clear that the comparison step merely compares the signal strengths unmodified received from the base stations, and does not perform the comparison after performing measurement and modification, as recited in claims 1 and 29. The problem solved by using embodiments of the present patent application (e.g., as recited in claims 1 and 29) is reducing processing time required for modifying all potential base station signals, and comparing all modified signals with current signals. This time reduction is accomplished using filtering out base stations which do not have sufficient power signal strength which may subsequently be modified and compared as recited in claim 1 and 29. Since modification is not even disclosed in Periyalwar there is no reason for anyone of ordinary skill in the art to even consider this reference in regard to the subject matter disclosed in the present patent application.

As far as Sundelin is concerned, in the FOA of March 11, 2011 in Section 3, the Examiner refers repeatedly to the Abstract of Sundelin (e.g., see pages 7, 8, 13, 19, 22 of the FOA of March 11, 2011). The Abstract of Sundelin states the following:

The transmit power of a base station transmission to a mobile station is advantageously controlled. The base station receives a signal from the mobile station and determines a signal-to-interference ratio (SIR) associated with the received signal. The base station controls its transmit power to the mobile station using the determined SIR value in conjunction with a transmit power control command received from the mobile station. When the mobile station is in the process of a soft handover involving two or more base stations, each of those base stations determines an SIR value associated with a signal received from the mobile station. Moreover, each of the base stations controls its respective power using both the power control command received from the mobile station and the SIR determined by that base

station. Similarly, when the mobile station is in the process of softer handover involving two or more sectors of a single base station, the SIR associated with a signal received from the mobile station in each of those base station sectors is determined and used to control the respective power of each base station sector in conjunction with a power control command received from the mobile station

However, the long and lengthy features listed by the Examiner (see the last paragraph of the Examiner statement quoted above in reference to rejecting claims 1 and 29 from the FOA of March 11, 2011) cannot be found by the Applicant in the Abstract of Sundelin. In this respect the Applicant invites the Examiner to state in the Examiner's answer exactly where such text can be found in the Abstract of Sundelin.

Furthermore, based on the disclosure of Sundelin, the Applicant respectively asserts that the reference of Sundelin is irrelevant to the subject matter recited in claims 1 and 29 for the following reasons. First, these claims (1 and 29) refer to measuring the power from a current serving cell and a neighboring cell (one other cell) and if the measured power of the neighboring cell satisfies a predetermined condition (e.g., the measured neighboring cell power is greater than a threshold), the result of measuring is modified for analytical purposes only. Therefore it is clear that what is modified (only analytically not in reality) in claims 1 and 29 is **measured signal strength**. As far as the Abstract of Sundelin referred to by the Patent Office, this refers to adjusting the mobile's **downlink transmit power** (e.g., see first sentence of the Sundelin's Abstract). This has nothing to do with the measuring power from a cell, i.e., from a base station, and modifying the **measured signal** (only analytically) as recited in claims 1 and 29 of the present patent application, quoted above. Sundelin does not teach modification of the signal strength measured by the mobile device for analytical purposes, the modification in Sundelin is related to feedback-type adjustment of the downlink signal which is not the subject matter recited in claims 1 and 29. In other words, the claim language clearly recites it is the result of the measuring **what is modified**, the rejection uses the result of the measuring to modify Sundelin's **downlink transmit power**.

It is furthermore clear from the claims 1 and 29 that the modifying step is for the purpose of preparing for a next comparing step. Thus the modifying and comparing recited in claims 1 and 29 of the present patent application are purely for analytical reasons whereas what is modified in Sundelin is an actual downlink power in a feedback mode of operation. Therefore

one of ordinary skill in the art would not consider a disclosure of modifying actual downlink power in Sundelin to come up with a suggestion of modifying (only analytically not in reality) the measured signal from a base station for comparing/analytical purposes.

Moreover, in Sundelin, the modifying step (based on SIR measurement of the uplink signal from the mobile station and TPC command from the mobile station, see 2nd and 3d sentences in the Abstract of Sundelin) is **performed by the base station**. In the present patent application measuring, modifying and comparing steps are performed by the mobile station, as clear from the subject matter recited in claims 1 and 29. This is another difference with the disclosure of Sundelin which may be a good enough reason on its own as to why one of ordinary skill in the art would not even consider the Sundelin in reference to the present invention.

As far as the Examiner's response to arguments are concerned, in **comment 1.a)** on pages 2-3 of the FOA of March 11, 2011, it is stated in column 6, lines 39-42 of Sundelin that *mobile station compares the detected SIR with an SIR reference, and the difference is used to determine the value of the TPC command centre uplink*. It is further stated in column 6, lines 42-44 of Sundelin that *based upon the SIR measurements of the diversity combined signals the controller generates transmit power control commands*.

First, SIR is a **signal to interference ratio** and not a **signal strength of the cells** as recited in the current claims of the present patent application. Even if the parameter SIR could be equated to the signal strength, there are further differences, as explained below.

For example, in Sundelin the detected SIR is compared with a SIR reference. Therefore the comparison performed by Sundelin is not comparing measurements of SIR parameter for two base stations but comparing a reference SIR with a measurement of SIR parameter for one base station. In other words, Sundelin looks at differences between the SIR from a particular base station and a standard reference SIR. There is no relative comparison between several base stations in Sundelin.

Furthermore the result of the process in Sundelin is entirely different as it relates to and is for the purpose of controlling **downlink power**. Please note that in Sundelin the *mobile station compares the detected SIR with an SIR reference, and the difference is used to determine the value of the TPC command sent uplink*, as stated in column 6, lines 39-42 of Sundelin. Therefore, it is clear that Sundelin does relate (as it is stated in the Abstract of Sundelin), to control

the *"transmit power of a base station transmission to a mobile station"*, and not to changing the current cell, as recited in claim 1 or 29.

Although Sundelin does refer to soft handover, it does not do this in respect to or mention any detail of **selection** of a base station. The soft handover is peripheral in the Sundelin's disclosure and selection rules are not discussed in Sundelin at all. As stated by the Examiner, in Sundelin, the SIR of the cells are modified via the power control, however again this is modifying the **actual signal**. It is totally different from the current claim context of claims 1 and 29 where modifying is a prerequisite step for the comparison, and is performed on **measurements (measured values) and not actual signals**. There is no evidence in Sundelin that there is any **comparison of modified signals, and furthermore modified signals in relation to different base stations**. **Modification in Sundelin is actual modification of power rather** than a modification for the purpose of a subsequent comparing and then selecting steps.

As far as the Examiner's **comments 1.b)** on page 3 of the FOA, it might be true that there will be periodic comparison between current and other cells in an active set. However, this is totally separate from not only the methodology but also the purpose set out in the Examiner's comments with respect to measuring strength in the **comment 1.a)**.

Moreover, as discussed above, the modification in Sundelin is to a different parameter, and there is no subsequent comparison after modification, so even reading this portion of Sundelin the skilled person would not arrive at the subject matter of claims 1 and 29..

Furthermore, from the subject matter of claims 1 and 29, it is clear that the comparison step occurs **after** the modifying step. It is clear that any modifying step in Sundelin is **the final/end step**. In other words, even if we assume arguendo that Sundelin disclosed modifying and comparing as recited in claim 1 and 29, in Sundelin the comparison (e.g., SIR with the reference SIR) occurs before the modifying step (e.g., adjusting the downlink signal) which is different from the subject matter of claims 1 and 29 where modifying must precede the comparing.

As shown herein, any combined selected teachings from the three references of Periyalwar, Sundelin and Charbonnier cited by the Examiner in the FOA of March 11, 2011 still does not disclose or hint at modifying the **measured** signals of signal strength **before** a comparison step, and in particular for the purpose of selecting a base station.

Therefore, none of the three references (Charbonnier, Periyalwar and Sundelin) cited by the Examiner in the FOA of March 11, 2011 disclose individually or in combination “modifying” and “comparing” steps recited in claims 1 and 29.

The Applicant appreciates the Examiner's comments regarding the obviousness (inventive step). However, even if the teachings of the three references quoted by the Examiner are combined, this combination will teach away from the subject matter of claims 1 and 29 because none of the cited references teaches the steps of modifying and comparing recited in claims 1 and 29. But even if we assume *arguendo* that the references cited by the Examiner teach all steps and limitations of claim 1 or 29, the skilled person must have **reasons why he/she would (and not just may) combine the particular features** from the prior art references cited by the Examiner to arrive at the claimed invention.

The purpose of the methodology of the claims 1 and 29 is to select a base station. The purpose of Sundelin is to control a base station transmit power. Sundelin refers to soft handover, involving two or more base stations, it states that each of these base stations determines an SIR value. Sundelin further states in Abstract that *"each of the base stations controls its respective power"*. Thus although it refers to handover, this is not the purpose of either the Sundelin teaching or the purpose and reason for any measured SIR value. In other words, there is no reference at all in Sundelin as to selection of a particular base station amongst the plurality of the base stations based on any measurement or comparison results as mentioned previously. As such the skilled person would **clearly not consider Sundelin even if he/she was aware of its teachings** when it comes to the primary purpose of selecting the most appropriate base station. Thus, it is difficult to see any relevance of Sundelin.

Again with reference to Charbonnier, this document has the purpose of regulation of traffic load of base stations (see title), and the Abstract of Charbonnier states that *the process aims to constantly optimize the **distribution** of the load on radio communication network relays*. It does this by measurements and correction parameters. However, since the purpose of Charbonnier is different from the subject matter recited in claims 1 and 29 of the present patent application, even if the skilled person were aware of the contents of Charbonnier, he would not consider any teaching relevant to the fundamental purpose of the current claims.

As far as selection of the base station is concerned, the only relevance to the current claims in

Periyalwar is the teaching that on the basis of signal strength measurements the mobile station maintains list of pilot sets, active set, candidate set, etc. However, there is no hint (and the Examiner seems to agree) of any **modification** and also of any subsequent **comparison of modification** in the teaching of Periyalwar. Thus, the skilled person starting from Periyalwar wishing to improve on the teaching therein, would firstly not look to any teachings of Charbonnier or Sundelin even if he was aware of their contents, as any steps taught therein are for different purposes and performed in a different way. Therefore, any selection and incorporation of features of the current claims from portions of Periyalwar, Sundelin and Charbonnier is highly contrived.

Therefore, at least for reasons elaborated above, claims 1 and 29 are not unpatentable under 35 U.S.C. 103(a) over Charbonnier, U.S. Patent No. 5,241,686, in view of Periyalwar, U.S. Patent No. 6,018,662, and further in view of Sundelin, U.S. Patent No. 6,144,861.

Claims 22, and 176-178 recite a similar subject matter as claims 1 and 29. Therefore the arguments in regard to claims 1 and 29 in Section VIII.A herein are applicable to claims 22, 163 and 176-178. Therefore claims 22, 163 and 176-178 are not unpatentable under 35 U.S.C. 103(a) over Charbonnier in view of Periyalwar and further in view of Sundelin.

B. CLAIM 163 IS NOT OBVIOUS UNDER 35 USC SECTION 103(a)

In the Final Office Action of November 12, 2010, independent claim 163 was rejected as being unpatentable under 35 U.S.C. 103(a) over Charbonnier in view of Periyalwar and further in view of Sundelin.

Claim 163 recites a similar subject matter as claims 1, 22, 29 and 176-178. Therefore the arguments in regard to claims 1, 22, 29 and 176-178 in Section VIII.A herein are applicable to claim 163. Therefore claim 163 is not unpatentable under 35 U.S.C. 103(a) 1 over Charbonnier in view of Periyalwar and further in view of Sundelin.

In addition, in regard to claim 163, the Applicant would like to point out that the Examiner did not comment at all in the FOA of March 11, 2011 about functionality of the network element recited in claim 163 as follows (shown in bold): “a network element for sending communications to the station, **said network element being arranged to send offset information to the station, the offset information being used by the station to modify measurements of the strength of communications from at least one other cell.**” This subject matter is also not disclosed by the references cited by the Examiner which provides more evidence for their novelty and non-obviousness.

C. CLAIMS 2, 12 AND 54 NOT OBVIOUS UNDER 35 USC SECTION 103(a)

In the Final Office Action of March 11, 2011, dependent claims 2, 12 and 54 were rejected as being unpatentable under 35 U.S.C. 103(a) over Charbonnier in view of Periyalwar and further in view of Sundelin.

First, patentability of dependent claims 2, 12 and 54 is at least provided by the novelty and non-obviousness of the independent claim 1 they are dependent from (directly or indirectly), as argued in Section VIII.A.

Moreover, in reference to claims 2, 12 and 54, in col. 8 lines 41-50 of Charbonnier cited by the Examiner on pages 8 and 9 of the FOA of March 11, 2011, the value is subtracted but not added as recited in claims 2, 12 and 54, contrary to what is alleged by the Examiner. It is stated in col. 8 lines 44-45 of Charbonnier: “Unit 46 computes the difference $E_i - H_i$ and stores corrected field G_i in memory”, notwithstanding the fact that Charbonnier does not teach modifying measured signal for comparing at all, as discussed herein.

This provides more evidence for the novelty and non-obviousness of claims 2, 12 and 54.

D. CLAIMS 7, 33 and 34 ARE NOT OBVIOUS UNDER 35 USC SECTION 103(a)

In the Final Office Action of March 11, 2011, dependent claims 7, 33 and 34 were rejected as being unpatentable under 35 U.S.C. 103(a) over Charbonnier in view of Periyalar and further in view of Sundelin.

First, patentability of dependent claims 7, 33 and 34 is at least provided by the novelty and non-obviousness of the independent claim 1 they are dependent from (directly or indirectly), as argued in Section VIII.A.

Moreover, in reference to claims 7, 33 and 34, in col. 6 lines 25-64 of Sundelin cited by the Examiner on page 8 of the FOA of March 11, 2011, there is not any indication that the “modification of power change is based on the SIR of the signal from the neighboring cell in an active set” as stated by the Examiner on page 8 of the FOA of March 11, 2011. This is inaccurate. For example, claim 7 states as follows:

7. *A method as claimed in claim 1, wherein modifying information as to how the measured strength of a communication from a neighbouring cell is to be modified is in the communication from the at least one other cell.*

Sundelin states in col. 6 lines 25-64 the following:

The mobile station includes a controller 80 connected to a RAKE receiver 82, a transmit power controller 88, and a transmitter 90. The mobile station's transmit power controller 88 uses uplink power control commands from the base stations BS1 and BS2 to adjust the mobile's uplink transmit power up or down by an appropriate increment in accordance with the received commands. The RAKE receiver 82 includes plural receivers 84 and 85 (there may be additional receivers as well) connected to a diversity combiner 86. The transmissions from the two base stations BS1 and BS2 are received as multipaths in the receivers 84 and 85, combined in a diversity combiner 86, and processed as one signal. Controller 80 determines signal-to-interference ratio (SIR) values of received signals. The mobile station's transmit power controller 88 compares the detected SIR with an SIR reference, and the difference is used to determine the value of TPC command sent uplink. Based upon the SIR measurement of the diversity-combined signal, the controller 80 generates transmit power control (TPC) commands (dashed lines) and transmits them via transmitter 90 to both the serving, currently dominant base station BS1 and the target, currently less dominant base station BS2. The TPC commands may include one or more bits which indicate a desired increase in transmit power, a desired decrease in transmit power, or no change in transmit power. Of course, any number of bits or bit assignments is possible.

Based on the received increase or decrease TPC commands, BS1 and BS2 increase or decrease their respective transmit powers by the corresponding increment, e.g., 0.5 or 1 dB. The adjustment of the transmit power from each base station (downlink) at the base station in response to uplink transmit power commands from the mobile station to each base station is referred to as a fast, downlink power, inner control loop. In addition, a slow, outer control loop may also be employed in both uplink and downlink power control where frame error rate or bit error rate is estimated and a target or reference SIR is updated accordingly. When the mobile station is in soft handover, the RNC is involved in the target SIR update.

It is evident from the above quote of Sundelin (see underlined passages), that each base station downlink signal adjustment is performed independently from other base stations: it is based, e.g., on the TPC command from the mobile station without any information from neighboring cells (base stations), notwithstanding the fact that Sundelin does not teach **modifying measured signal for comparing** at all, as discussed herein.

This provides more evidence for the novelty and non-obviousness of claims 7, 33 and 34.

E. CLAIM 9 IS NOT OBVIOUS UNDER 35 USC SECTION 103(a)

In the Final Office Action of March 11, 2011, dependent claim 9 was rejected as being unpatentable under 35 U.S.C. 103(a) over Charbonnier in view of Periyalwar and further in view of Sundelin.

First, patentability of dependent claim 9 is at least provided by the novelty and non-obviousness of the independent claims 1 it is indirectly dependent from, as argued in Section VIII.A.

Moreover in reference to claim 9, in col. 6 lines 58-68 cited by the Examiner on page 9 of the FOA of March 11, 2011, Charbonnier teaches as follows:

Moreover, each relay continuously broadcasts, via the respective beacon route, digital information used by mobile M in the relay selection process, in particular one or several radio-electric field correction parameters. These parameters are also used for radio engineering purposes. As embodied by the invention, one of these parameters is a field correction parameter, denoted H_i . For each received beacon route, the mobile computes a corrected field, denoted G_i , which is a function of E_i and H_i :

It is evident from the above quote that Charbonnier does not teach that the timing information is in the communication from the neighboring cell, as recited in claim 9, contrary to what is alleged by the Examiner.

This provides more evidence for the novelty and non-obviousness of claim 9.

F. CLAIM 13 IS NOT OBVIOUS UNDER 35 USC SECTION 103(a)

In the Final Office Action of March 11, 2011, dependent claim 13 was rejected as being unpatentable under 35 U.S.C. 103(a) over Charbonnier in view of Periyalwar and further in view of Sundelin.

First, patentability of dependent claim 13 is at least provided by the novelty and non-obviousness of the independent claim 1 it is indirectly dependent from, as argued in Section VIII.A.

Moreover, in reference to claim 13, in col. 8 lines 41-45 of Charbonnier cited by the Examiner on page 8 of the FOA of March 11, 2011, the value is subtracted but not added as recited in claim 13, contrary to what is alleged by the Examiner. It is stated in col. 8 lines 44-45 of Charbonnier: “Unit 46 computes the difference $E_i - H_i$ and stores corrected field G_i in memory”, notwithstanding the fact that Charbonnier does not teach modifying measured signal for comparing at all, as discussed herein.

This provides more evidence for the novelty and non-obviousness of claim 13.

G. CLAIM 164 IS NOT OBVIOUS UNDER 35 USC SECTION 103(a)

In the Final Office Action of March 11, 2011, dependent claim 164 was rejected as being unpatentable under 35 U.S.C. 103(a) over Charbonnier in view of Periyalwar and further in view of Sundelin.

First, patentability of dependent claim 164 is at least provided by the novelty and non-obviousness of the independent claim 1 it is indirectly dependent from, as argued in Section VIII.A.

Moreover, in reference to claim 164, in col. 2, lines 58-68 and col. 9 lines 16-17 cited by the Examiner on page 17 of the FOA of March 11, 2011, Charbonnier teaches as follows:

When mobile M has scanned all the beacon routes listed in the table of frequencies, including the beacon route of the channel in which it is located, unit 46 compares the values of the corrected field and determines the beacon route having the highest corrected field value such that a quantity $E_i - H_i$ obtained by deducting the value of the correction parameter from the value of the field according to equation (4) attributed to the preferred embodiment described here. If this beacon route is different from the beacon route of the relay in which the mobile is located, the mobile changes relay and selects the corrected field with the highest value.

Each relay R_i transmits the respective correction parameter H_i which operates on the surface and load of the corresponding cell CE_i and on those of the adjacent cells.

It is evident from the above quotes that Charbonnier does not teach that “**decoding a communication is dependent upon the measured strength of the communication satisfying a predetermined condition**” as recited in claim 164, contrary to what is alleged by the Examiner. The Examiner’s statement on page 17 of the FOA of March 11, 2011 that “in order for the field correction parameter to be properly received the signal strength must meet a minimum received signal strength threshold” is general and not specific relative to the substantive language of claim 164 quoted herein. Besides, Charbonnier does not talk or even hint about any predetermined condition and/or threshold in the passage cited by the Examiner.

This provides more evidence for the novelty and non-obviousness of claim 164.

H. CLAIMS 36-37 ARE NOT OBVIOUS UNDER 35 USC SECTION 103(a)

In the Final Office Action of March 11, 2011, dependent claims 36-37 were rejected as being unpatentable under 35 U.S.C. 103(a) over Charbonnier, U.S. Patent No. 5,241,686, in view of Periyalwar, U.S. Patent No. 6,018,662, and Sundelin, U.S. Patent No. 6,144,861, as applied to claim 1 above, and further in view of Karlsson, U.S. Patent No. 5,640,677.

First, patentability of dependent claims 36-37 is at least provided by the novelty and non-obviousness of the independent claim 1, they are indirectly dependent from, as argued in Section VIII.A.

Furthermore, in reference to claims 36 and 37, in col. 6, lines 58-68 cited by the Examiner on page 25 of the FOA of March 11, 2011, Charbonnier teaches as follows:

When mobile M has scanned all the beacon routes listed in the table of frequencies, including the beacon route of the channel in which it is located, unit 46 compares the values of the corrected field and determines the beacon route having the highest corrected field value such that a quantity $E_i - H_i$ obtained by deducting the value of the correction parameter from the value of the field according to equation (4) attributed to the preferred embodiment described here. If this beacon route is different from the beacon route of the relay in which the mobile is located, the mobile changes relay and selects the corrected field with the highest value.

It is evident from the above quote that Charbonnier does not teach that “**modifying** information as to how the measured strength of a communication from a neighbouring cell is **to be modified** is in the communication from the **at least one other cell**”, as recited in claims 36 and 37, contrary to what is alleged by the Examiner. Charbonnier does not teach any communication from neighboring cells to be used for calculating corrected field value, notwithstanding the fact that Charbonnier does not teach **modifying measured signal for comparing** at all, as discussed herein.

This provides more evidence for the novelty and non-obviousness of claims 36-37.

Serial No.: 10/030,798
Art Unit: 2618

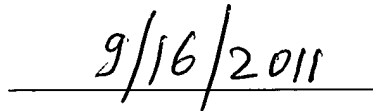
IX. CONCLUSION

For all of the aforementioned reasons, it is respectfully submitted that the rejections of all the claims in the application, namely claims 1-3, 5-9, 12-29, 31-34, 36-37, 54, 64, 76, 89, 102, 117, 133, 150, 163, 164, 173, and 175-178, are in error and have been shown to be inapplicable, and the rejections should be reversed. Early allowance of all the claims in the application is earnestly solicited.

Respectfully submitted:



Anatoly Frenkel



Date

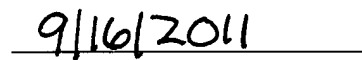
Reg. No.: 54,106

Customer No.: 10948

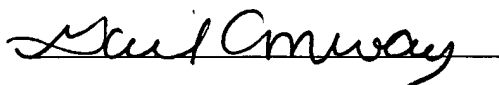
HARRINGTON & SMITH, Attorneys at Law, LLC
4 Research Drive
Shelton, CT 06484-6212
Telephone: (203) 925-9400, extension 45
Facsimile: (203) 944-0245
email: afrenkel@hspatent.com

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450.



Date



Name of Person Making Deposit

X. APPENDIX--THE CLAIMS INVOLVED IN THE APPEAL

Listing of Claims:

1. (Previously Presented) A method comprising:
measuring at a station a strength of a communication from a current cell;
measuring at the station the strength of a communication from at least one other cell;
modifying a result of measuring in which the strength of the communication from the at least one other cell and/or the current cell is measured to take into account a condition of said current and/or said at least one other cell if the measured strength of the communication from the at least one other cell satisfies a predetermined condition;
if modifying is performed, comparing the measured strength of the communication from the current cell and the measured strength of the communication from the at least one other cell being modified in the modifying; and
depending on results from the comparison, changing the current cell with which the station is associated, wherein said predetermined condition is that the strength of the communication from at least one other cell is greater than a threshold.
2. (Previously Presented) A method as claimed in claim 1, wherein in said modifying, a value is added to the measured strength of the communication from the at least one other cell.
3. (Previously Presented) A method as claimed in claim 1, wherein in said modifying, a function is applied to the measured strength of the communication from the at least one other cell.
4. (Canceled).
5. (Previously Presented) A method as claimed in claimed in claim 1, wherein the threshold is defined relative to the measured strength of the communication from the current cell.

6. (Previously Presented) A method as claimed in claim 1, wherein information defining the threshold is included in the communication from the current cell.

7. (Previously Presented) A method as claimed in claim 1, wherein modifying information as to how the measured strength of a communication from a neighbouring cell is to be modified is in the communication from the at least one other cell.

8. (Previously Presented) A method as claimed in claim 7, wherein the station is provided with timing information defining when the station should next check for modifying information.

9. (Previously Presented) A method as claimed in claim 8, wherein the timing information is in the communication from the neighbouring cell.

10. (Canceled).

11. (Canceled).

12. (Previously Presented) A method as claimed in claim 1, wherein a value is added to the measured strength of the communication from the current cell prior to said comparing.

13. (Previously Presented) A method as claimed in claim 12, wherein if the current cell is changed in said changing from an old current cell to a new current cell, the value is no longer added to the measured strength of the communication from the old current cell and a value is added to the measured strength of the communication from the new current cell.

14. (Previously Presented) A method as claimed in claim 1, wherein said communication from at least one of the current cell and the at least one other cell comprises the broadcast control channel.

15. (Previously Presented) A method as claimed in claim 1, wherein the station has at least one common channel in the current cell.

16. (Previously Presented) A method as claimed in claim 1, wherein the station has at least one dedicated channel in the current cell.

17. (Original) A method as claimed in claim 1, wherein the station is arranged to use the same frequency in the current cell and the at least one other cell.

18. (Previously Presented) A method as claimed in claim 1, wherein the station is a mobile terminal.

19. (Previously Presented) A method as claimed in claim 1, wherein the method is implemented in a code division multiple access system.

20. (Previously Presented) A method as claimed in claim 1, wherein the method is implemented in a time division multiple access system.

21. (Previously Presented) A method as claimed in claim 19, wherein the method is implemented in a code division/time division multiple access hybrid.

22. (Previously Presented) A station comprising:

a measurer for measuring a received strength of a communication from a current cell;

a measurer for measuring the received strength of a communication from at least one other cell;

a controller for modifying the measured received strength of the communication from the at least one other cell to take into account a condition of said current and/or said at least one other cell if the measured strength of the communication from the at least one other cell satisfies a predetermined condition;

the controller for comparing, if the controller has modified the measured received strength, the modified measured received strength with the measured received strength of a communication from the current cell; and

the controller for causing, depending on results of the comparison, the current cell with which the station is associated to be changed, wherein said predetermined condition is that the strength of the communication from at least one other cell is greater than a threshold.

23. (Original) A cellular telecommunications network comprising:

at least one station as claimed in claim 22, and at least one other station, said at least one other station requiring a different procedure in order to determine if a new current cell is required.

24. (Original) A network as claimed in claim 23, wherein the signalling sent by said network to said at least one station and to said at least one other station is dependent on the procedure required by the respective stations to determine if a new current cell is required.

25.-28. (Canceled).

29. (Previously Presented) A method comprising:

measuring at a station a strength of a communication from an at least one current cell;
measuring at the station the strength of a communication from at least one other cell;
modifying the measured received strength of the communication from the current cell from at least one other cell to take into account a condition of said current and/or said at least one other cell if the measured strength of the communication from the at least one other cell satisfies a predetermined condition;

comparing, if the controller has modified the measured received strength, the measured strength of the communication from the at least one current cell and the measured strength of a communication from the at least one other cell, at least one of the measured strengths being modified in the modifying; and

depending on results of the comparison, changing the at least one current cell with which

the station is associated.

30. (Canceled).

31. (Previously Presented) A method as claimed in claim 3, wherein the predetermined condition is that the measured strength of the communication from the at least one other cell is greater than a threshold.

32. (Previously Presented) A method as claimed in claim 6, wherein information defining the threshold is included in the communication from the current cell.

33. (Previously Presented) A method as claimed in claim 2, wherein modifying information as to how the measured strength of a communication from a neighbouring cell is to be modified is in the communication from the at least one other cell.

34. (Previously Presented) A method as claimed in claim 3, wherein modifying information as to how the measured strength of a communication from a neighbouring cell is to be modified is in the communication from the at least one other cell.

35. (Canceled).

36. (Previously Presented) A method as claimed in claim 5, wherein modifying information as to how the measured strength of a communication from a neighbouring cell is to be modified is in the communication from the at least one other cell.

37. (Previously Presented) A method as claimed in claim 6, wherein modifying information as to how the measured strength of a communication from a neighbouring cell is to be modified is in the communication from the at least one other cell.

38.-53. (Canceled).

54. (Previously Presented) A method as claimed in claim 164, wherein the current cell value is added to the measured strength of the communication from the current cell prior to the comparing.

55.-63. (Canceled).

64. (Previously Presented) A method as claimed in claim 164, wherein the communication from the at least one of the current cell and the at least one other cell comprises the broadcast control channel.

65.-75. (Canceled).

76. (Previously Presented) A method as claimed in claim 164, wherein the station has at least one common channel in the current cell.

77.-88. (Canceled).

89. (Previously Presented) A method as claimed in claim 164, wherein the station has at least one dedicated channel in the current cell.

90.-101. (Canceled).

102. (Previously Presented) A method as claimed in claim 164, wherein the station is arranged to use the same frequency in the current cell and the at least one other cell.

103.-116. (Canceled)

117. (Previously Presented) A method as claimed in claim 164, wherein the station is a mobile terminal.

118.-132. (Canceled)

133. (Previously Presented) A method as claimed in claim 164, wherein the method is implemented in a code division multiple access system.

134.-149. (Canceled)

150. (Previously Presented) A method as claimed in claim 164, wherein the method is implemented in a time division multiple access system.

151.-162. (Canceled)

163. (Previously Presented) A cellular telecommunications system comprising:

- a measurer for measuring a received strength of a communication from a current cell;
- a measurer for measuring the received strength of a communication from at least one other cell;
- a controller for modifying the measured received strength of the communication from the at least one other cell to take into account a condition of said current and/or said at least one other cell if the measured strength of the communication from the at least one other cell satisfies a predetermined condition;
- the controller for comparing, if the controller has modified the measured received strength, the modified measured received strength with the measured received strength of a communication from the current cell;
- the controller for causing, depending on results of the comparison, the current cell with which a station is associated to be changed, wherein said predetermined condition is that the strength of the communication from at least one other cell is greater than a threshold; and
- a network element for sending communications to the station, said network element being arranged to send offset information to the station, the offset information being used by the station to modify measurements of the strength of communications from at least one other cell.

164. (Previously Presented) A method as claimed in claim 1, wherein the decoding a communication is dependent upon the measured strength of the communication satisfying a predetermined condition.

165.-172. (Canceled).

173. (Previously Presented) A method as claimed in claim 1, wherein said measuring at the station the strength of a communication from the current cell and measuring at the station the strength of a communication from at least one other cell are performed simultaneously.

174. (Canceled).

175. (Previously Presented) A method as claimed in claim 29, wherein said measuring at the station the strength of a communication from the current cell and measuring at the station the strength of a communication from at least one other cell are performed simultaneously.

176. (Previously Presented) A method comprising:

- measuring at a station a strength of a communication from a current cell;
- measuring at the station the strength of a communication from at least one other cell;
- modifying a result of measuring in which the strength of the communication from at least one other cell and/or the current cell is measured to take into account a condition of said current and/or said at least one other cell if the measured strength of the communication from the at least one other cell satisfies a predetermined condition;

- if modifying is performed, comparing the measured strength of the communication from the current cell and the measured strength of the communication from the at least one other cell being modified in the modifying; and

- depending of results of said comparing, changing the current cell with which the station is associated, wherein said predetermined condition is that the strength of the communication from at least one other cell is greater than a threshold.

177. (Previously Presented) A station comprising:

a measurer for measuring a received strength of a communication from a current cell;

a measurer for measuring the received strength of a communication from at least one other cell;

a controller for modifying the measured received strength of the communication from the at least one other cell to take into account a condition of said current and/or said at least one other cell if the measured strength of the communication from the at least one other cell satisfies a predetermined condition;

the controller for comparing, if the controller has modified the measured received strength, the modified measured received strength with the measured received strength of a communication from the current cell; and

the controller for causing, depending of the results of the comparison, the current cell with which the station is associated to be changed, wherein said predetermined condition is that the strength of the communication from at least one other cell is greater than a threshold.

178. (Previously Presented) A method comprising:

measuring at a station a strength of a communication from a current cell;

measuring at the station the strength of a communication from at least one other cell;

modifying a result of measuring in which the strength of the communication from at least one other cell and/or the current cell is measured to take into account a condition of said current and/or said at least one other cell if the measured strength of the communication from the at least one other cell satisfies a predetermined condition;

if modifying is performed, comparing the measured strength of the communication from the current cell and the measured strength of the communication from the at least one other cell being modified in the modifying; and

depending of the results of said comparing, changing the current cell with which the station is associated, wherein said predetermined condition is that the strength of the communication from at least one other cell is greater than a threshold.

Serial No.: 10/030,798

Art Unit: 2618

XI. APPENDIX--EVIDENCE

Not Applicable

Serial No.: 10/030,798

Art Unit: 2618

XII. APPENDIX—RELATED PROCEEDINGS

Not Applicable